

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHARLES J. WILLIAMS,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No. 2:14-CV-1785-KJD-VCF

ORDER

Before the Court is the Recommendation of the Magistrate (#2), that the State of Nevada be dismissed as a defendant with prejudice. The time for Plaintiff to file objections has passed without any objections being filed. However, the Court's decision below is required by clearly established law regardless of the presence or absence of any objection. The Court also notes that Plaintiff is pro se, requiring the Court to hold Plaintiff's pleadings to "less stringent standards" Haines v. Kerner, 404 U.S. 519, 520 (1972).

The Magistrate correctly notes that Plaintiff's complaint is entirely based on 42 U.S.C. § 1983. The Magistrate is also correct that States are not "persons" under § 1983, and therefore cannot be held liable for what might otherwise constitute violations of this statute. See Will v. Michigan Dep't of State Police, 491 U.S. 58, 71 (1989). The Court **HEREBY ADOPTS AND AFFIRMS** the Magistrate's recommendation (#2), **DISMISSING** the state of Nevada as a defendant **WITH PREJUDICE**.

DATED this 20th day of January, 2015.



Kent J. Dawson
United States District Judge